

REMARKS

I. Status of the Application

By the present Amendment, Applicants are amending claims 1, 12, 13, and 27-29. No new matter is added. Claims 1-29 are all the claims pending in the present application. Claims 4, 5, 11, and 15-26 have been withdrawn. Claims 1-3, 6-10, 12-14, and 27-29 have been rejected. The present Amendment addresses each point of rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

II. Statement of Substance of Interview

An Examiner's Interview Summary Record (PTO-413) was mailed on September 17, 2008. A telephonic interview was conducted on September 10, 2008 between the Applicants' undersigned representative and Examiner Tod Thomas Van Roy. During the telephonic interview, the Applicants' undersigned representative discussed the differences between the claimed invention and the Heidel reference, and proposed the present amendments of independent claims 1, 12, 13 to further distinguish the claimed invention over Fig. 1 of the Heidel reference. The Examiner agreed that the proposed amendments to independent claims 1, 12, and 13 would distinguish these claims over the Heidel reference.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

III. Claim Rejections Under 35 U.S.C. § 102(e) - Heidel

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Heidel. Applicants respectfully traverse this ground of rejection.

In rejecting claim 1, the Examiner maintains that the end surface of the refractive lens 22 of the collimating lens assembly contacts the front surface of the ear 25 of Heidel via the corner

of the ear 25, where the corner is defined by the front surface and the inner surface of the ear 25. The Examiner further argues that by contacting the corner of the ear 25 of Heidel, the end surface of the refractive lens 22 of the collimating lens assembly is contacting (part of) the planar portion of the front surface of the ear 25.

Applicants continue to disagree with the Examiner's position. However, in order to expedite prosecution, Applicants are amending claim 1 to recite that the collimator-lens array is fixed to the block so that an area of an end surface of the collimator-lens array is in contact with and overlaps an area of the lens-setting surface of the block. As discussed during the telephonic interview of September 10, 2008, the end surface of the refractive lens 22 of the collimating lens assembly of Heidel does not overlap an area of the front surface of the ear 25 of Heidel. Instead, as the Examiner agrees, the end surface of the refractive lens 22 of the collimating lens assembly contacts the front surface of the ear 25 only at the corner defined by the front surface and the inner surface of the ear 25.

Applicants submit that claim 1 distinguishes over Heidel at least by virtue of the aforementioned differences, as well as its additionally recited features. Further, claim 6 distinguishes over Heidel at least by virtue of its dependency on claim 1, as well as its additionally recited features.

IV. Claim Rejections Under 35 U.S.C. § 103(a) - Heidel

Claims 12, 13, and 27-29 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Heidel. Applicants are amending independent claims 12 and 13 to recite features similar to those discussed above with regard to claim 1. Accordingly, Applicants submit that claims 12 and 13 are patentable over Heidel for similar reasons, as well as their additionally

recited features. Further, claims 27-29 are patentable over Heidel at least by virtue of their dependencies on claim 1, as well as their additionally recited features.

In addition, Applicants again submit that the Examiner has not provided a *prima facie* case of obviousness for claims 12 and 13 under MPEP § 2142. Claim 12 (as previously presented) recited “adjusting positions of said plurality of collimator lenses along a planar portion of said reference surface, and fixing the plurality of collimator lenses at the adjusted positions on said reference surface.” Similarly, claim 13 (as previously presented) recited “said plurality of collimator lenses are fixed to said reference surface in such a manner that positions of the plurality of collimator lenses are adjusted along a planar portion of said reference surface.”

Although the Examiner concedes that Heidel does not disclose these quoted claim features (Office Action, pages 5-6), the Examiner provides no reason why it would have been obvious to modify Heidel to perform the recited operation. The Examiner merely points to “the bottom of the rejection of claim 12 wherein a clear motivation statement has been provided” (Office Action, page 3). The rejection of claim 12 does provide a motivation for why a person of ordinary skill in the art would have modified Heidel “to adjust the distance of the light source away from the lens based on the focal length as this will maximize the light captured and transmitted by the lens, as is well known and widely practiced in all optical fields” (Office Action, page 6). This passage addresses the method step recited in step (b) of claim 12; however, it does not address the method step recited in step (c) of claim 12. Step (b) refers to an adjustment of the laser diodes in a direction parallel to their optical axes, whereas step (c) refers to an adjustment of the collimator lenses along the reference surface, which is perpendicular to the optical axes of the laser diodes. Therefore, Applicants respectfully request that the Examiner

provide a specific reason for modifying Heidel to perform the method step recited in step (c) of claim 12 (and the last element of claim 13) in the next Office Action.

V. Claim Rejections Under 35 U.S.C. § 103(a) - Heidel in view of Chiappetta

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Heidel in view of U.S. Patent No. 6,724,791 to Chiappetta et al. (hereinafter “Chiappetta”). Applicants respectfully traverse this ground of rejection.

As discussed above, Heidel fails to teach or suggest that the collimator-lens array is fixed to the block so that an area of an end surface of the collimator-lens array is in contact with and overlaps an area of the lens-setting surface of the block. Further, Chiappetta fails to remedy the deficient teachings of Heidel. Accordingly, claims 2 and 3 are patentable over Heidel in view of Chiappetta at least by virtue of their dependencies on claim 1, as well as their additionally recited features.

VI. Claim Rejections Under 35 U.S.C. § 103(a) - Heidel in view of Andrews ‘188, Andrews ‘535, and Kuniyasu

Claims 7-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Heidel in view of U.S. Patent No. 5,640,188 to Andrews (hereinafter “Andrews ‘188”), U.S. Patent No. 5,432,535 to Andrews et al. (hereinafter “Andrews ‘535”) and U.S. Publication No. 2002/0018499 to Kuniyasu et al. (hereinafter “Kuniyasu”). Applicants respectfully traverse this ground of rejection.

As discussed above, Heidel fails to teach or suggest that the collimator-lens array is fixed to the block so that an area of an end surface of the collimator-lens array is in contact with and overlaps an area of the lens-setting surface of the block. None of Andrews ‘188, Andrews ‘535, and Kuniyasu remedies the deficiencies of Heidel. Therefore, claims 7-10 are patentable over

Heidel in view of Andrews '188, Andrews '535, and Kuniyasu at least by virtue of their dependencies on claim 1, as well as their additionally recited features.

VII. Claim Rejections Under 35 U.S.C. § 103(a) - Heidel in view of Andrews '188 and

Kuniyasu

Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Heidel in view of Andrews '188 and Kuniyasu. Applicants respectfully traverse this ground of rejection.

As discussed above, none of Heidel, Andrews '188, and Kuniyasu, alone or in combination, teaches or suggests that the collimator-lens array is fixed to the reference surface so that an area of an end surface of the collimator-lens array is in contact with and overlaps an area of the reference surface. Therefore, claim 14 is patentable over Heidel in view of Andrews '188 and Kuniyasu at least by virtue of its dependency on claim 13, as well as its additionally recited features.

VIII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Suzanne C. Walts
Registration No. 60,831

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 8, 2008